

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on February 8, 2005
at 3:39 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Monica Lindeen, Chairman (D)
Rep. Bill E. Glaser, Vice Chairman (R)
Rep. Norma Bixby (D)
Rep. Tim Dowell (D)
Rep. Dave Gallik (D)
Rep. Bob Lake (R)
Rep. Jon Sonju (R)
Rep. Pat Wagman (R)

Members Excused: None.

Members Absent: Rep. Verdell Jackson (R)
Rep. Holly Raser (D)

Staff Present: Connie Erickson, Legislative Branch
Kim Leighton, Committee Secretary
Chris Lohse, Legislative Branch
Eddy McClure, Legislative Branch
Jim Standaert, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:
Executive Action: HB 63, HB 292

CHAIRMAN MONICA LINDEEN took care of general housekeeping issues. She introduced a document which will serve as a matrix for all of the bills.

[EXHIBIT](#)(esh31a01)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.5}

Chris Lohse, Legislative Services Division, began his presentation on educationally relevant factors. He discussed his research on possible origins of this term, and the context in which it resides. **Mr. Lohse** stated that many of the definitions come from the Brown II case. He also discussed Brown v. Board of Education, and its relevance. **Mr. Lohse** stressed how important it is to distinguish that there are very different factors in different areas. He then spoke of Arthur Wise. Mr. Wise is an educational theorist who worked on the national accreditation standards for teachers. He handed out a document that he prepared.

[EXHIBIT](#)(esh31a02)

REP. TIM DOWELL asked Mr. Lohse if there was information on Arthur Wise in this handout.

Mr. Lohse said, "Yes."

Next, **Mr. Lohse** discussed impact aid, and its relevance. He strongly emphasized that educationally relevant factors are much different from educational resources. Also, he distinguished equity lawsuits from adequacy lawsuits. He added that educationally relevant factors are linked with equity lawsuits, and educational resources are linked with adequacy lawsuits. **Mr. Lohse** mentioned an adequacy lawsuit; Williams v. California, as an example.

REP. DAVE GALLIK asked Mr. Lohse to expand on the distinction between equity and adequacy components. He stated that it is very important to understand this.

Mr. Lohse discussed the education system in Wyoming where this is relevant. Arthur Wise believed that there were two important parts in regard to educationally relevant factors: (1) characteristics of children; and (2) programmatic policy decisions made by the state.

Eddye McClure, Legislative Services Division, commented on the equity formula in regard to the court decision. She stated that there is a mix of adequacy and equity components and reiterated the importance of educationally relevant factors in this formula.

REP. BOB LAKE asked if there is a possibility of adequacy and equity coming together.

Mr. Lohse stated that **REP. LAKE** crystallized the issue and added that it is okay to have disparate levels, the legislature simply needs to show why they are doing it.

REP. LAKE asked if that would lead to another lawsuit regarding the funding question.

Ms. McClure attested that they just need to show how the formula is comprised, including educationally relevant factors.

REP. GALLIK inquired if this formula would involve educational resources such as textbooks.

Mr. Lohse claimed that the formula would not involve these unless they are relevant policy-making materials.

REP. GALLIK attested that textbooks could be both; then it just depends on the semantics.

Mr. Lohse stated that he believes it comes down to that. He also handed out a document.

[EXHIBIT](#)(esh31a03)

Jim Standaert, Legislative Fiscal Division, asked if there is any distinction of educationally relevant factors between district and state.

Mr. Lohse asked for clarification.

Mr. Standaert inquired if **Mr. Wise** stated any differences in terms of funding.

Mr. Lohse stated that he did not.

{Tape: 1; Side: A; Approx. Time Counter: 2.5 - 29.8}

(**REP. VERDELL JACKSON** entered.)

Mr. Lohse continued to talk about relevant cases. He spoke of *Serrano v. Priest* in 1971 and *San Antonio v. Rodriguez* in 1973. He stated that equity lawsuits were very popular between 1973 and 1980; then there was a reversal. From 1980 to 1989, 20 different equity lawsuits were lost. He also commented that the content of Exhibit 3 took place before the 1973 ruling.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 6}

(**REP. HOLLY RASER** entered.)

REP. GALLIK asked Mr. Lohse where Arthur Wise lives.

Mr. Lohse replied that he lives in Washington, D.C.

REP. GALLIK inquired if Mr. Wise was aware of the situation at hand.

Mr. Lohse stated that he was not aware of it at the time.

REP. GALLIK asked if Mr. Wise would be willing to answer some questions.

Mr. Lohse stated that since he has not been involved recently, he does not feel comfortable speaking about it.

REP. GALLIK asked if Mr. Wise made any suggestions in regard to other specialists or experts that could be helpful.

Mr. Lohse replied that he believes he did. However, he was possibly being circumspect in his response.

CHAIRMAN LINDEEN posed the question as to where the committee could find possible experts.

Mr. Lohse commented that Mr. Standaert has been looking into that.

Mr. Standaert said he has a list of 14 or 15 people.

CHAIRMAN LINDEEN asked Mr. Standaert if these were individuals who would help legislative staffers and the legislative body.

Mr. Standaert claimed that some of these individuals worked for legislators and some worked for interest groups. He is currently looking into it more.

CHAIRMAN LINDEEN inquired into fees for these individuals.

Mr. Standaert stated that he had not checked into that at this point.

VICE CHAIR BILL GLASER attested that he read an article over the weekend that had a dozen or so individuals that could be of assistance.

Mr. Lohse added that he is familiar with some people in the area. He also provided some additional information on Arthur Wise, as well as another handout.

EXHIBIT(esh31a04)

{Tape: 1; Side: B; Approx. Time Counter: 6 - 12.6}

EXECUTIVE ACTION ON HB 63

Motion: REP. GALLIK moved that HB 63 DO PASS.

Motion: REP. GALLIK moved that Amendment 006301 BE ADOPTED.

Discussion:

Ms. McClure discussed the amendment.

Vote: Motion carried unanimously by voice vote.

Discussion:

VICE CHAIR GLASER stated that this is a bill for the Office of Public Instruction(OPI). He also attested that it has a very broad title.

REP. GALLIK touched on the issue of the school finance law, and the fact that that doesn't quite work. He commented that this committee is working to remedy this due to the court decision.

Ms. McClure stated that this bill has a formula in it. She stated specifics of the bill and possible problems.

REP. GALLIK asked if one of the things that needs to be fixed due to the lawsuit could possibly be shoved into it at a later time.

Connie Erickson, Legislative Services Division, stated that she drafted this bill and proceeded to explain it. She said that this is primarily a cleanup of some finance laws. She added that "sun-setting" this bill would not solve anything.

REP. GALLIK asked if the committee is losing an opportunity.

VICE CHAIR GLASER attested that this bill needs to happen. There are several broad titles within this committee.

CHAIRMAN LINDEEN stated, "I agree."

Motion/Vote: REP. GALLIK moved that HB 63 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

{Tape: 1; Side: B; Approx. Time Counter: 12.6 - 22.6}

EXECUTIVE ACTION ON HB 292

Motion: REP. BIXBY moved that HB 292 DO PASS.

Motion: REP. BIXBY moved that AMENDMENT 029201 BE ADOPTED.

Discussion:

Ms. McClure explained the amendment.

Vote: Motion carried unanimously by voice vote.

Motion: REP. BIXBY moved that HB 292 DO PASS AS AMENDED.

Discussion:

VICE CHAIR GLASER reiterated that there would be a significant amount of money being moved around in this process. He added that the committee would have several unhappy people. He stated that he is not sure why the committee is doing this. He attested that he would not support this bill.

REP. GALLIK explained that although he knew where REP. SMALL-EASTMAN was coming from, he agreed with VICE CHAIR GLASER. **REP. GALLIK** does not want to get involved in a situation where there are certain districts that are big losers and others that are big winners.

REP. BIXBY stated that she agreed with REP. GALLIK. She does believe that the idea behind this bill is good. She posed the idea of possibly forming a trust fund for oil/gas that is similar to the trust fund that exists for coal.

REP. LAKE claimed that the legislature already has a balanced system; if they pass this, they will just upset everything.

VICE CHAIR GLASER mentioned the General Trust Balance (GTB) that is not being taken into consideration with this bill. He stressed the importance of the GTB.

Substitute Motion/Vote: REP. GALLIK made a substitute motion that HB 292 BE TABLED. Substitute motion carried 9-1 by voice vote with REP. DOWELL voting no.

CHAIRMAN LINDEEN closed with announcements including the future Joint Subcommittee on Education Funding, and stressed the

importance of this subcommittee. She mentioned that this subcommittee will meet Thursday in Room 472.

ADJOURNMENT

Adjournment: 4:45 P.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

EXHIBIT ([esh31aad0.TIF](#))